

**MINUTES**  
**Herkimer County Legislature**  
**Fourth Quarter – Third Day**  
**Wednesday, November 16, 2022**  
**7:00 p.m.**

**Public Hearing**

The Public Hearing on Introductory Local Law B for 2022 was called to order at 6:15 p.m. by Legislator Patrick Russell, Chairman of the Ways & Means Committee. The Clerk read the notice of the meeting. Legislator Russell then asked if there was anyone wishing to speak on the local law. There were no requests to speak and the hearing was declared closed at 6:15 p.m.

Brittney R. Viscomi, Clerk  
Herkimer County Legislature

**NOTICE**

NOTICE IS HEREBY GIVEN that there has been presented to the County Legislature of the County of Herkimer, State of New York, on October 26, 2022, Introductory Local Law B for the year 2022 entitled: “A LOCAL LAW INCREASING THE SALARIES OF SOME ELECTED COUNTY OFFICERS AND COUNTY OFFICERS APPOINTED FOR A FIXED TERM DURING THEIR TERM OF OFFICE.”

NOTICE IS FURTHER GIVEN that the County Legislature of the County of Herkimer will hold a public hearing on the aforesaid proposed Local Law, to be conducted by the Committee on Ways and Means, in the Legislative Chambers at the County Office Building, Herkimer, New York, on the 16<sup>th</sup> day of November, 2022 at 6:15 p.m. at which time all persons interested will be heard.

Dated: November 7, 2022.

By Order of the Herkimer County Legislature

**Public Hearing**

The Public Hearing on the Assessment Roll for the Herkimer County Sewer District to be used in the year 2023 was called to order at 6:20 p.m. by Mark Gaworecki, Chairman of the Natural Resources Committee. The Clerk read the notice of the hearing. Legislator Gaworecki asked if anyone wished to speak at the hearing. There were no requests to speak, and the hearing was declared closed at 6:21 p.m.

## LEGAL NOTICE

### NOTICE OF COMPLETION OF ASSESSMENT ROLL AND PUBLIC HEARING ON ASSESSMENT ROLL FOR THE HERKIMER COUNTY SEWER DISTRICT TO BE USED IN THE YEAR 2023

**NOTICE IS HEREBY GIVEN** that the assessment roll for the Herkimer County Sewer District for the year beginning January 1, 2023 has been completed and filed in the Office of the Clerk of the Herkimer County Legislature at the County Office Building in Herkimer, New York, where it is available for inspection by any interested persons during office hours.

**FURTHER NOTICE IS HEREBY GIVEN** that the County Legislature of the County of Herkimer will hold a public hearing on the said assessment roll to hear and consider any objections which may be made to the Assessment Roll at the Herkimer County Legislative Chambers in the County Office Building in the Village of Herkimer, New York, on the 16<sup>th</sup> day of November, 2022 at 6:20 p.m.

Dated: November 7, 2022.

The Regular Session of the Herkimer County Legislature was called to order by Chairman Vincent J. Bono at 7:01 p.m.

Chairman Bono called on Legislator Gregory Malta, Sr., to lead the Legislature in the Pledge of Allegiance.

Chairman Bono called for a moment of silence in recognition of all veterans, past and present.

Roll Call: Quorum present, the following answering the roll:

Present: Malta, Gaworecki, Schrader, Hollum, Brezinski, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (13).

Absent: Johnson, Stephens, Keeler, Manno (4).

Pursuant to Rule 11, Chairman Bono opened the floor for public comment: 1) Richard Marko, Poland – Solar (Speech included with original minutes); 2) Patricia Marko – 94-C.

Pursuant to Rule 8 of the Rules of the County Legislature, Chairman Bono asked if there were any objections or corrections to the minutes of October 26, 2022. There were none, and the Chairman ordered them approved.

Chairman Bono stated that the communications received by the Legislature and the committees to which they were referred were as listed on the agenda, and asked if any member of the Legislature requested mention of any particular communication. There were no requests.

No. 397 – A communication was received from the Solid Waste Authority submitting proposed 2023 budget. Filed.

No. 398 – A communication was received from the Wladis Law Firm submitting SEQRA Determination of Negative Significance. Filed.

No. 399 – A communication was received from the Herkimer County Sewer District submitting Resolution for Capital Recovery. Filed.

No. 400 – A communication was received from the Director of Office for the Aging requesting bids for Meals on Wheels. Filed.

No. 401 – A communication was received from the Director of Office for the Aging requesting bids for Meals on Wheels. Filed.

No. 402 – A communication was received from Teamsters Local 294 advising of appointment of Chief Shop Steward. Filed.

No. 403 – A communication was received from the Commissioner of Social Services requesting renewal of contracts for Welfare Fraud and Program Integrity efforts. Filed.

No. 404 – A communication was received from the Commissioner of Social Services requesting contract to provide QI Assessment Services. Filed.

No. 405 – A communication was received from the Director of Office for the Aging requesting to renew contract with Community Transportation Services, Ltd. Filed.

No. 406 – A communication was received from the Herkimer County Soil & Water Conservation District advising of monthly meeting. Filed.

No. 407 – A communication was received from the Sheriff submitting September 2022 monthly report. Referred to the Committee on Public Safety & Emergency Management.

No. 408 – A communication was received from the Highway Superintendent requesting purchase of direct drive transmission. Referred to the Committee on Highways and the Committee on Ways & Means.

No. 409 – A communication was received from the Director of Emergency Services requesting repair of equipment trailer damaged at fire training facility. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 410 – A communication was received from the Director of Emergency Services requesting purchase of cargo trailer. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 411 – A communication was received from the County Property Agent submitting Land Auction Results. Referred to the Committee on County Properties.

No. 412 – A communication was received from the Budget Officer/Purchasing Agent requesting renewal of Insurance Coverages for Herkimer County for 2023. Referred to the Committee on Ways & Means.

No. 413 – A communication was received from the Budget Officer/Purchasing Agent requesting appropriation of funds in Employment and Training. Referred to the Committee on Ways & Means.

No. 414 – A communication was received from the Budget Officer/Purchasing Agent requesting authorization for preparation of tentative copies of budget. Referred to the Committee on Ways & Means.

No. 415 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment in Highway Department. Referred to the Committee on Highways and the Committee on Ways & Means.

No. 416 – A communication was received from the Personnel Officer requesting a contract for health insurance stop loss coverage. Referred to the Committee on Ways & Means.

No. 417 – A communication was received from the County Clerk submitting Semi-Annual Mortgage Tax Report. Referred to the Committee on Ways & Means.

No. 418 – A communication was received from the County Treasurer submitting apportionment of Mortgage Tax. Referred to the Committee on Ways & Means.

No. 419 – A communication was received from the Budget Officer/Purchasing Agent requesting awarding of bid for polymer for Herkimer County Sewer District. Referred to the Committee on Natural Resources and the Committee on Ways & Means.

No. 420 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer of funds in DSS. Referred to the Committee on Ways & Means.

No. 421 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer of funds in Public Defender account. Referred to the Committee on Ways & Means.

No. 422 – A communication was received from the Solid Waste Authority recommending reappointment to Board of Directors. Referred to the Committee on County Planning & Development.

No. 423 – A communication was received from the Chairman of the Legislature making appointments and reappointments to Office for Aging Advisory Board. Referred to the Committee on Human Resources.

No. 424 – A communication was received from the Herkimer County Sewer District submitting Resolution for late fee increase. Referred to the Committee on Natural Resources and the Committee on Ways & Means.

No. 425 – A communication was received from the Personnel Officer requesting a contract with Excellus for Administrative Services. Referred to the Committee on Ways & Means.

No. 426 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer in Emergency Services Department. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 427 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer in Emergency Services Department. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 428 – A communication was received from the Sheriff requesting contract renewal with Power DMS. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 429 – A communication was received from the County Administrator requesting to establish the Part Time Salary Schedule for the year 2023. Referred to the Committee on Ways & Means.

No. 430 – A communication was received from the County Treasurer submitting report of cancelled taxes. Referred to the Committee on Ways & Means.

No. 431 – A communication was received from the County Attorney requesting settlement agreement. Referred to the Committee on Ways & Means.

No. 432 – A communication was received from the County Attorney requesting cancellation of real property taxes for property in Town of Herkimer. Referred to the Committee on County Properties.

No. 433 – A communication was received from the County Attorney requesting agreement with NYS Defenders Association, Inc. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 434 – A communication was received from the County Auditor submitting request from Coroner for payment. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 435 – A communication was received from the Commissioner of Social Services requesting approval of contracts in connection with the Flexible Funds for Family Services Plan. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 436 – A communication was received from the Commissioner of Social Services requesting contract with Catholic Charities for Residential Domestic Violence Services Agreement. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 437 – A communication was received from the Commissioner of Social Services requesting authorization to submit a plan to OCFS. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 438 – A communication was received from the County Attorney requesting authorization to reimburse the costs of attorney attendance at Continuing Legal Education sessions. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 439 – A communication was received from the Budget Officer/Purchasing Agent requesting purchase in connection with boiler replacement project at HCCC. Referred to the Committee on Education and the Committee on Ways & Means.

No. 440 – A communication was received from Teamsters Local 294 advising that Teamsters Local 294 ratified tentative agreement. Referred to the Committee on Ways & Means.

No. 441 – A communication was received from the County Attorney requesting authorization for Chairman to sign First Modification Agreement with Herkimer Solar, LLC. Referred to the Committee on County Properties and the Committee on Ways & Means.

No. 442 – A communication was received from HCCC submitting Resolution authorizing execution of first modification with Herkimer Solar, LLC. Referred to the Committee on County Properties and the Committee on Ways & Means.

No. 443 – A communication was received from the Personnel Officer requesting amendment to Resolution No. 80 of 2009. Referred to the Committee on Ways & Means.

No. 444 – A communication was received from the Budget Officer/Purchasing Agent requesting to award proposal for architectural/engineering services for the remodel of the first floor of the Court Street building. Referred to the Committee on County Properties and the Committee on Ways & Means.

No. 445 – A communication was received from the Budget Officer/Purchasing Agent requesting to award proposal for the Development of conceptual plans for the Herkimer County Children's Center. Referred to the Committee on County Properties, the Committee on Human Resources, and the Committee on Ways & Means.

Pursuant to Rule 6, Chairman Bono then proceeded with Reports of Standing Committees. There were no reports.

Chairman Bono dispensed with the regular session to welcome the students in attendance who are participating in the Cornell Cooperative Extension Government Intern Program and



**REPORT AND RESOLUTION ACCEPTING TENTATIVE BUDGET AND FIXING TIME AND PLACE FOR PUBLIC HEARING**

**Sponsored by: Committee on Ways and Means**

WHEREAS, your Committee on Ways and Means, which was the Committee designated to review the tentative budget for the year 2023 pursuant to the provisions of Section 357 of the County Law, respectfully reports that there was transmitted to the Chairman of said Committee by the Clerk, a copy of the tentative budget; now, therefore, be it

RESOLVED, that the County Legislature of the County of Herkimer accepts the tentative budget for the year 2023 as filed, and the Clerk of the Legislature shall cause a notice to be published stating the time and place and purpose of a public hearing on the tentative budget as filed; and, be it further

RESOLVED, that such public hearing shall be held in the Legislative Chambers of the County Office Building in the Village of Herkimer, County of Herkimer, State of New York, on the 14th day of December, 2022 at 6:15 p.m., pursuant to the provisions of Section 359 of the County Law.

Dated: November 16, 2022.



**HERKIMER COUNTY LEGISLATURE**

No. 320

**REPORT AND RESOLUTION SETTING PUBLIC HEARING ON INTRODUCTORY LOCAL LAW C FOR 2022**

**Sponsored by: Committee on Natural Resources**

We, the Committee on Natural Resources, are causing to be prepared and will present Introductory Local Law C for 2022 entitled "A LOCAL LAW ADOPTING RIGHT TO FARM LAW OF HERKIMER COUNTY" and offer the following Resolution:

RESOLVED, that a Public Hearing will be held before the Herkimer County Legislature on the adoption of said proposed Local Law, to be conducted by the Committee on Natural Resources on the 14<sup>th</sup> day of December, 2022 at 6:20 p.m., in the Legislature Chambers of the County Office Building, Herkimer, New York; and, be it further

RESOLVED, that at least five days prior to such public hearing the Clerk of this Legislature shall post a notice of such hearing upon the bulletin board in the Courthouse and cause to be published said notice at least once in the *Times Telegram*; and, be it further

RESOLVED, that the Clerk of this Legislature shall place a copy of said act on the desks of the members of this County Legislature at least seven calendar days, exclusive of Sunday, prior to its final adoption; and, be it further

RESOLVED, that if said local law be finally adopted, the Clerk of this Legislature shall file one certified copy thereof in the Office of the County Clerk, one in the Office of the Secretary of State and publish said Local Law as required by law.

Dated: November 16, 2022.



## **HERKIMER COUNTY LEGISLATURE**

No. 321

### **REPORT AND RESOLUTION REAPPOINTING MEMBER TO ONEIDA-HERKIMER SOLID WASTE MANAGEMENT AUTHORITY**

**Sponsored by: Committee on County Planning & Development**

WHEREAS, the term of Kenneth A. Long to the Oneida-Herkimer Solid Waste Management Authority appointed pursuant to Resolution 296 of 2017 shall expire on December 31, 2022; now, therefore, be it

RESOLVED, that Kenneth A. Long, Ilion, New York, be and he hereby is, reappointed for a five year term commencing January 1, 2023 as representative of Herkimer County on the Oneida-Herkimer Solid Waste Management Authority; and, be it further

RESOLVED, that certified copies of this Resolution be sent to the Herkimer County Treasurer, Auditor, Budget Officer, Personnel Officer, the Oneida-Herkimer Solid Waste Management Authority and Kenneth A. Long.

Dated: November 16, 2022.



## **HERKIMER COUNTY LEGISLATURE**

No. 322

### **REPORT AND RESOLUTION CONFIRMING APPOINTMENTS AND REAPPOINTMENTS TO THE HERKIMER COUNTY OFFICE FOR AGING ADVISORY COUNCIL**

**Sponsored by: Committee on Human Resources**

WHEREAS, the Chairman of the Herkimer County Legislature, by letter dated

November 3, 2022, has made reappointments to the Office for the Aging Advisory Council; now, therefore, be it

RESOLVED, that the following reappointments to the Office for the Aging Advisory Council be, and hereby are ratified and confirmed:

**New appointment for term of 10/2022-10/2023**

Carol Kinney, Herkimer, NY 13350

**Reappointment for term of 10/2022 – 10/2025**

Brian Bunce, Newport, NY 13416

**Reappointment for term of 10/2022 – 4/2025**

Bruce Lyon, Dolgeville, NY 13329

**Reappointment for term of 10/2022 – 4/2025**

Carol Hadcock, Ilion, NY 13357

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Director of the Herkimer County Office for the Aging and each appointee.

Dated: November 16, 2022.



**HERKIMER COUNTY LEGISLATURE**

No. 323

**REPORT AND RESOLUTION AUTHORIZING TRANSFER OF FUNDS IN DEPARTMENT OF SOCIAL SERVICES**

**Sponsored by: Committee on Ways & Means**

WHEREAS, your Committee on Ways and Means, to which was referred a communication from Sheri A. Ferdula, Budget Officer/Purchasing Agent, dated October 27, 2022, submitting a request for a transfer of funds, reports that we have examined said communication, inquired into the subject matter thereof, and recommend that said transfers be made and offer the following Resolution:

RESOLVED, that the Herkimer County Treasurer be, and she hereby is, authorized and directed to transfer the following sum from and to the following accounts in the 2022 Budget:

\$14,000                      From: A6123.40000, Juvenile Delinquent, Contractual  
To:     A6010.45000, DSS Admin, Fees for Services

\$10,000	From: A6123.40000, Juvenile Delinquent, Contractual To: A6010.46200, DSS Admin, Auto Expense
\$21,000	From: A6123.40000, Juvenile Delinquent, Contractual To: A6070.46000, Purchase of Services, Miscellaneous Expense
\$105,000	From: A6123.40000, Juvenile Delinquent, Contractual To: A6119.40000, Foster Care, Contractual
\$30,000	From: A6123.40000, Juvenile Delinquent, Contractual To: A6119A.40000, Non-Secure Detention, Contractual
\$7,700	From: A6010.10000-001, DSS Admin, Salaries To: A6010A.10000-001, WMS, Salaries
\$14,000	From: A6010.10000-001, DSS Admin, Salaries To: A6011.10000-001, SNAP, Salaries
\$22,000	From: A6109.40000, Family Assistance, Contractual To: A6141.44000, HEAP, Contracted Services

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, and Commissioner of Social Services.

Dated: November 16, 2022.

The Chairman continued with the Regular Agenda.

On motion of Mr. Shaw, seconded by Mr. Ackerman, Report and Resolution No. 324 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing contracts in connection with Flexible Funds for Family Services Plan in the Department of Social Services was handed up; voted on and adopted by voice vote:

For: Ayes (13).                      Against: None.

Absent: Johnson, Stephens, Keeler, Manno (4).



## HERKIMER COUNTY LEGISLATURE

No. 324

### REPORT AND RESOLUTION AUTHORIZING CONTRACTS IN CONNECTION WITH FLEXIBLE FUNDS FOR FAMILY SERVICES PLAN IN THE DEPARTMENT OF SOCIAL SERVICES

**Sponsored by: Committee on Human Resources  
Committee on Ways and Means**

WHEREAS, by letter dated October 27, 2022 from Timothy Seymour, Commissioner of

Social Services, this Legislature is advised that the State of New York has approved Herkimer County's Flexible Funds for Family Services Plan for 2022-23; and

WHEREAS, Herkimer County will receive federally allocated grant funding in connection with the implementation of the Flexible Funds for Family Services Plan, and in addition, capped Title XX and open-ended child welfare funding remain in place for the period; and

WHEREAS, said letter further requests that contracts be entered into with the following agencies for the implementation of the aforesaid programs; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute contracts with the following agencies in connection with the Herkimer County Department of Social Services Flexible Funds for Family Services Plan:

1. **Center for Family Life and Recovery**, 502 Court Street, Suite 401, Utica, NY 13502 not to exceed the amount of \$39,338 for management and coordination services to ensure clients with alcohol and/or drug abuse issues receive and follow through with services they need to overcome barriers to self-sufficiency;
2. **Catholic Charities of Herkimer County**, 61 West Street, Ilion, NY 13357 in the amount of \$20,000 to screen and provide assessment of clients who may have domestic violence issues as a barrier to self-sufficiency or receipt of child support;
3. **Legal Aid Society of Mid-New York**, 120 Bleecker Street, Utica, NY 13501 to assist TANF and Safety Net clients in the appeal process, who have been denied Social Security Disability or Supplemental Security Income benefits. Said contract not to exceed \$12,000;
4. **Resource Center for Independent Living, Inc.**, 131 Genesee Street, P.O. Box 210, Utica, NY 13503 to work with clients who have medical exemptions, or limited exemptions, to bridge the gap between vocational services and disability support services to achieve employment. Said contract not to exceed \$52,000;
5. **Center for Family Life and Recovery**, 502 Court Street, Suite 401, Utica, NY 13502 to provide preventive services to the Family Support/ Persons in Need of Supervision Unit (PINS). Said contract not to exceed \$334,000;

and, be it further

RESOLVED, that the Chairman of the Legislature is hereby authorized to execute contracts with the following agencies under Title XX funding:

1. **Catholic Charities of Herkimer County**, 61 West Street, Ilion, NY 13357 in the amount of \$48,500 to provide non-residential services to eligible clients and their families who are victims of domestic violence;
2. **ICAN**, 310 Main Street, Utica, NY 13501 to provide voluntary and court-ordered parenting/nurturing skills classes for parents in various stages of child welfare services, said contract not to exceed \$27,250 annually; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Commissioner of Social Services, and the above listed agencies.

Dated: November 16, 2022.

On motion of Mr. Donley, seconded by Mr. Weakley, Report and Resolution No. 325 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing submission of Herkimer County Differential Response Program Plan by the Commissioner of Social Services to the Office of Children and Family Services was handed up; voted on and adopted by voice vote:

For: Ayes (13).                      Against: None.

Absent: Johnson, Stephens, Keeler, Manno (4).



## HERKIMER COUNTY LEGISLATURE

No. 325

### **REPORT AND RESOLUTION AUTHORIZING SUBMISSION OF HERKIMER COUNTY DIFFERENTIAL RESPONSE PROGRAM PLAN BY THE COMMISSIONER OF SOCIAL SERVICES TO THE OFFICE OF CHILDREN AND FAMILY SERVICES**

**Sponsored by: Committee on Human Resources  
Committee on Ways and Means**

WHEREAS, by letter dated October 27, 2022 from Timothy Seymour, Commissioner of Social Services, he has advised that his office received a directive from the Office of Children and Family Services (OCFS) providing guidance about a recent statute change that will be implemented on December 29, 2022; and

WHEREAS, the statute raises the lower age of juvenile delinquency from 7 to 12 years old, children categorized in the manner will no longer be included in the definition of a Juvenile Delinquent (JD) under the Family Court Act, these cases will no longer be processed by the Probation Office but will be referred to the Department of Social Services to voluntarily participate in a Differential Response Program; now, therefore, be it

RESOLVED, that this Legislature hereby authorizes the Commissioner of Social Services to complete and submit the initial Herkimer County Differential Response Program Plan to the Office of Children and Family Services for approval and to submit any plan amendments as appropriate; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, and Commissioner of Social Services.

Dated: November 16, 2022.

On motion of Mr. Gaworecki, seconded by Mr. Schrader, Report and Resolution No. 326 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing contract in DSS for Residential Domestic Violence Program was handed up; voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Johnson, Stephens, Keeler, Manno (4).



## HERKIMER COUNTY LEGISLATURE

No. 326

### REPORT AND RESOLUTION AUTHORIZING CONTRACT IN DEPARTMENT OF SOCIAL SERVICES FOR RESIDENTIAL DOMESTIC VIOLENCE PROGRAM

**Sponsored by: Committee on Human Resources  
Committee on Ways and Means**

WHEREAS, by letter dated October 27, 2022 from Timothy J. Seymour, Commissioner of Social Services, this Legislature is advised that the Office of Children and Family Services (OCFS) has recently revised their model contract for the purchase of Residential Domestic Violence Services, and further requests a contract be entered into with Catholic Charities of Herkimer County to provide these services; now, therefore, be it

RESOLVED, that this authorizes an agreement between Catholic Charities of Herkimer County, 61 West Street, Ilion, New York, and the Herkimer County Department of Social Services, for the provision of Residential Domestic Violence Services, for the period beginning January 1, 2023 to December 31, 2023, at a per diem cost of \$103.19 established by OCFS; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute said contract on behalf of the County of Herkimer, with said contract subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that the Chairman of this Legislature is further authorized to enter into annual renewals of said agreement, after the expiration of the current agreement, upon the same or more favorable terms and conditions; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Commissioner of Social Services, and Catholic Charities of Herkimer County.

Dated: November 16, 2022.

On motion of Mr. Campione, seconded by Mr. Ackerman, Report and Resolution No. 327 sponsored by the Committee on Highways and the Committee on Ways & Means amending 2022 budget was handed up; voted on and adopted by voice vote:

For: Ayes (13).                      Against: None.

Absent: Johnson, Stephens, Keeler, Manno (4).



## HERKIMER COUNTY LEGISLATURE

No. 327

### REPORT AND RESOLUTION AMENDING 2022 BUDGET

**Sponsored by: Committee on Highways  
Committee on Ways and Means**

WHEREAS, by letter dated October 27, 2022 from Sheri A. Ferdula, Budget Officer, your Committee is advised that a budget amendment is necessary in the 2022 budget in the Highway Department due to additional projects being completed before year end; now, therefore, be it

RESOLVED, that the 2022 Herkimer County Budget is amended as follows:

D9552.3501, Consolidated Hwy Improvement	From: \$7,255,911
	To: \$7,755,911

D9552.90200, Interfund Construction	From: \$7,221,774
	To: \$7,721,774

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, and Superintendent of Highways.

Dated: November 16, 2022.

On motion of Mr. Gaworecki, seconded by Mr. Hollum, Report and Resolution No. 328 sponsored by the Committee on Ways & Means authorizing appropriation of funds was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Brezinski, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (13).

Against: None.

Absent: Johnson, Stephens, Keeler, Manno (4).



## HERKIMER COUNTY LEGISLATURE

No. 328

### REPORT AND RESOLUTION AUTHORIZING APPROPRIATION OF FUNDS

#### Sponsored by: Committee on Ways & Means

WHEREAS, your Committee on Ways and Means, to which was referred a communication from Sheri A. Ferdula, Budget Officer/Purchasing Agent, dated October 31, 2022, submitting a request for appropriation of funds; and

WHEREAS, letter further advises that it has been discovered that the County has not reimbursed the Employment and Training Department for the College Corps program since 2008; and

WHEREAS, Sheri Ferdula, Budget Officer/Purchasing Agent has advised that funds have been verified and are available for this appropriation; now, therefore, be it

RESOLVED, that an appropriation be made as follows:

\$261,355      From: A1990.46000, Contingent Fund, Miscellaneous Expense  
                  To:     CD 8689.2708, ETA College Corp Program, College Corps

and, be it further

RESOLVED, that the Treasurer is authorized to make any necessary adjustments to the interfund transfer accounts; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, and Director of Employment & Training.

Dated: November 16, 2022.

On motion of Mr. Donley, seconded by Mr. Weakley, Report and Resolution No. 329 sponsored by the Committee on Ways & Means concerning stop-loss coverage for health insurance was handed up; voted on and adopted by voice vote:

For: Ayes (13).                      Against: None.

Absent: Johnson, Stephens, Keeler, Manno (4).



## HERKIMER COUNTY LEGISLATURE

No. 329

### REPORT AND RESOLUTION CONCERNING STOP-LOSS COVERAGE FOR HEALTH INSURANCE

#### Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated November 1, 2022 from Steven R. Billings, Personnel Officer, this Legislature is advised and your Committee has determined that stop-loss insurance coverage for the County's health insurance plans for 2023 would best be provided by Excellus Health Plan, Inc.; now, therefore, be it

RESOLVED, that a contract be entered into with Excellus Health Plan, Inc., Utica Business Park, 12 Rhoads Drive, Utica, NY 13502, for health insurance stop-loss coverage for the County of Herkimer for the period January 1, 2023 through December 31, 2023 at a quoted annual premium of \$35.92 per participant per month, with an annual deductible of \$225,000; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute said contract on behalf of the County of Herkimer; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Personnel Officer, and Excellus Health Plan, Inc.

Dated: November 16, 2022.

On motion of Mr. Campione, seconded by Mr. Schrader, Report and Resolution No. 330 sponsored by the Committee on Ways & Means apportioning mortgage tax was handed up; voted on and adopted by voice vote:

For: Ayes (13).                      Against: None.

Absent: Johnson, Stephens, Keeler, Manno (4).



## HERKIMER COUNTY LEGISLATURE

No. 330

### REPORT AND RESOLUTION APPORTIONING MORTGAGE TAX

**Sponsored by: Committee on Ways and Means**

WHEREAS, your Committee on Ways and Means, to which was referred the report of the Recording Officer and County Treasurer showing the amounts received from the mortgage taxes, respectfully reports that we have examined the report containing the list of mortgages as kept by the Herkimer County Clerk, and herewith submit the following report showing the apportionment to the several towns, villages and the City in the County. Your Committee recommends that the Herkimer County Treasurer be authorized to draw warrants payable to the Supervisors of the several towns and to the City of Little Falls, and to the Treasurers of the incorporated villages in an amount apportioned as indicated on the tabulated statement recommended by the Committee herewith, and your Committee offers the following Resolution:

RESOLVED, that the Herkimer County Treasurer be, and she hereby is, authorized and directed to draw warrants payable to the Supervisors of the several towns in Herkimer County and to the Treasurer of the City of Little Falls and the Treasurers of the incorporated villages in the County of Herkimer entitled to a portion thereof, in the amounts of mortgage taxes apportioned respectively, and that a certified copy of the Resolution be served by the Clerk of this Legislature on the Herkimer County Treasurer.

Dated: November 16, 2022.

APPORTIONMENT OF MORTGAGE TAX  
April 1, 2022 – September 30, 2022

TOWNS	TOTAL TAX RECEIVED	TOWN SHARE	INCLUDING VILLAGES	VILLAGES SHARES
COLUMBIA	\$ 12,914.34	\$12,914.34		
DANUBE	4,375.07	4,375.07		
FAIRFIELD	19,700.17	18,237.61	MIDDLEVILLE	\$ 1,462.56
FRANKFORT	66,585.27	59,584.57	FRANKFORT	6,879.75
			ILION	120.95
GERMAN FLATTS	99,013.25	63,066.77	ILION	26,837.91
			MOHAWK	9,108.57
HERKIMER	66,302.03	45,521.65	HERKIMER	20,780.38
LITCHFIELD	13,661.49	13,661.49		
C/O LITTLE FALLS	54,027.21	54,027.21		
T/O LITTLE FALLS	14,197.06	14,197.06		
MANHEIM	46,123.43	38,176.38	DOLGEVILLE	7,947.05
NEWPORT	72,460.26	62,430.71	MIDDLEVILLE	1,517.36
			NEWPORT	7,324.50
			POLAND	1,187.69
NORWAY	9,195.22	9,195.22		
OHIO	7,672.51	7,672.51		
RUSSIA	18,729.26	17,472.08	COLD BROOK	450.95
			POLAND	806.23
SALISBURY	21,091.66	21,091.66		
SCHUYLER	38,930.67	38,930.67		
STARK	1,554.15	1,554.15		
WARREN	17,926.90	17,926.90		
WEBB	132,561.70	132,561.70		
WINFIELD	19,941.81	17,458.84	WEST WINFIELD	2,482.97
<b>TOTAL</b>	<b>\$ 736,963.46</b>	<b>\$650,056.59</b>		<b>\$86,906.87</b>

Herkimer County Treasurer \$619.09

On motion of Mr. Gaworecki, seconded by Mr. Ackerman, Report and Resolution No. 331 sponsored by the Committee on Natural Resources and the Committee on Ways & Means awarding bid for chemical at Herkimer County Sewer District was handed up; voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Johnson, Stephens, Keeler, Manno (4).



# HERKIMER COUNTY LEGISLATURE

No. 331

## REPORT AND RESOLUTION AWARDING BID FOR CHEMICAL AT HERKIMER COUNTY SEWER DISTRICT

**Sponsored by: Committee on Natural Resources  
Committee on Ways & Means**

WHEREAS, by letter dated October 27, 2022, the Budget Officer/Purchasing Agent has advised that bids were received in accordance with law for the provision of Polymer for the Herkimer County Sewer District; and

WHEREAS, it is the recommendation of Chief Operator Alvin Montana II, that the bid be awarded as follows:

Polymer	\$3.54 per pound delivered	Clean Waters 26808 County Route 3 Plessis, NY 13675
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now, therefore, be it

RESOLVED, that the above bid for the provision of chemicals for the Herkimer County Sewer District be awarded, in the dollar amounts and delivery amounts as stated; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Herkimer County Sewer District, and Clean Waters.

Dated: November 16, 2022.

On motion of Mr. Shaw, seconded by Mr. Gaworecki, Report and Resolution No. 332 sponsored by the Committee on Ways & Means authorizing transfer of funds in the Public Defender account was handed up; voted on and adopted by voice vote:

For: Ayes (13).                      Against: None.

Absent: Johnson, Stephens, Keeler, Manno (4).



# HERKIMER COUNTY LEGISLATURE

**REPORT AND RESOLUTION AUTHORIZING TRANSFER OF FUNDS IN THE PUBLIC DEFENDER ACCOUNT**

**Sponsored by: Committee on Ways & Means**

WHEREAS, your Committee on Ways and Means, to which was referred a communication from Sheri A. Ferdula, Budget Officer/Purchasing Agent, dated October 27, 2022, submitting a request for a transfer of funds, reports that we have examined said communication, inquired into the subject matter thereof, and recommend that said transfers be made and offer the following Resolution:

RESOLVED, that the Herkimer County Treasurer be, and she hereby is, authorized and directed to transfer the following sum from and to the following accounts in the 2022 Budget:

\$26,000                      From: A1170.45000-601, Public Defender, Imm Arraignment  
                                    To:    A1170.45000, Public Defender, Fees for Services

\$124,000                     From: A2490.44000, Community College Tuition, Contracted Services  
                                    To:    A1170.45000, Public Defender, Fees for Services

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, and County Attorney.

Dated: November 16, 2022.

On motion of Mr. Shaw, seconded by Mr. Hollum, Report and Resolution No. 333 sponsored by the Committee on Ways & Means authorizing insurance was handed up; voted on and adopted by voice vote:

For: Ayes (13).                      Against: None.

Absent: Johnson, Stephens, Keeler, Manno (4).



**HERKIMER COUNTY LEGISLATURE**

**REPORT AND RESOLUTION AUTHORIZING INSURANCE COVERAGES**

**Sponsored by: Committee on Ways and Means**

WHEREAS, this Legislature is informed by communication from Sheri Ferdula, Budget Officer/ Purchasing Agent, dated October 26, 2022, of a request that certain policies for insurance coverages be approved for the year beginning December 9, 2022 through December 9, 2023, that an overall increase in premiums is noted, and that the totals for each Agency will not exceed the amount listed; and

WHEREAS, sufficient monies are available to cover said expense; now, therefore, be it

RESOLVED, that policies of insurance beginning December 9, 2022, are authorized by this Legislature as follows:

**NYMIR**  
**c/o Mang/NBT Insurance Agency**  
**56 North Main Street**  
**Gloversville, NY 12078**

<u>COVERAGE</u>	<u>2023</u> <u>PREMIUM</u>
Property	\$ 81,521.00
Boiler & Machinery	\$ 15,638.70
General Liability	\$120,770.10
OCP	\$ 275.00
Auto	\$ 77,441.10
Public Officials Liability	\$ 27,001.70
Law Enforcement Liability	\$ 45,851.30
Inland Marine	\$ 30,778.00
Healthcare Gen. & Professional Liability	\$ 59,464.18
Excess Catastrophe Liability	\$ 54,298.20
Excess Employers Liability	\$ 7,484.00
Fire Fee	\$ 374.20
Motor Vehicle Fee	\$ 1,340.00
Crime Insurance	\$ 6,385.50
<b>NYMIR Total-</b>	<b>\$528,622.98</b>

and, be it further

RESOLVED, that the Chairman of this Legislature be and he hereby is, authorized to execute any documents on behalf of the County of Herkimer in order to purchase said insurance coverages; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, and Mang/NBT Insurance Agency.

Dated: November 16, 2022.

On motion of Mr. Gaworecki, seconded by Mr. Swartz, Report and Resolution No. 334 sponsored by the Committee on Natural Resources and the Committee on Ways & Means approving Sewer District Resolution concerning late charge increase was handed up; voted on and adopted by roll call vote:

For: Gaworecki, Schrader, Hollum, Brezinski, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (12).

Against: Malta (1).

Absent: Johnson, Stephens, Keeler, Manno (4).



## HERKIMER COUNTY LEGISLATURE

No. 334

### REPORT AND RESOLUTION APPROVING SEWER DISTRICT RESOLUTION CONCERNING LATE CHARGE INCREASE

**Sponsored by: Committee on Natural Resources  
Committee on Ways and Means**

WHEREAS, Resolution No. 308 of 2022 approved a resolution adopted by the Herkimer County Sewer District Board, approving an increase to the per-gallon user rate/sewer rent; and

WHEREAS, by letter dated October 26, 2022, Robin Nalaskowski, Secretary to the Herkimer County Sewer District Board, has advised that by action on October 19, 2022, the Herkimer County Sewer District Board adopted a resolution increasing the late charge from 5% of the user's past due amount to a flat late fee of \$25.00, effective January 1, 2023; and

WHEREAS, this Resolution has been forwarded to the Herkimer County Legislature for approval prior to it becoming effective; now, therefore, be it

RESOLVED, that this Legislature hereby approves a resolution duly adopted by the Herkimer County Sewer District Board on October 19, 2022, approving an increase to the the late charge from 5% of the user's past due amount to a flat late fee of \$25.00; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, and the Herkimer County Sewer District.

Dated: November 16, 2022.

On motion of Mr. Campione, seconded by Mr. Gaworecki, Report and Resolution No. 335 sponsored by the Committee on Natural Resources and the Committee on Ways & Means adopting assessment roll of Herkimer County Sewer District was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Brezinski, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (13).

Against: None.

Absent: Johnson, Stephens, Keeler, Manno (4).



## HERKIMER COUNTY LEGISLATURE

No. 335

### REPORT AND RESOLUTION ADOPTING ASSESSMENT ROLL OF HERKIMER COUNTY SEWER DISTRICT

**Sponsored by: Committee on Natural Resources  
Committee on Ways and Means**

WHEREAS, the Herkimer County Sewer District has prepared and submitted an assessment roll pursuant to Section 271 of the County Law; and

WHEREAS, the Herkimer County Budget Officer has transmitted the said assessment roll with the tentative budget of the Herkimer County Sewer District for the year 2023 to the Clerk of the Herkimer County Legislature; and

WHEREAS, by Resolution No. 299 adopted on October 26, 2022, the County Legislature of the County of Herkimer has provided for a public hearing on the said Sewer District Assessment Roll for November 16, 2022; and

WHEREAS, said public hearing has now been held pursuant to said notice; now, therefore, be it

#### RESOLVED:

1. That the Herkimer County Legislature hereby affirms and adopts the Assessment Roll to be used in the year 2023 as submitted by the Herkimer County Sewer District pursuant to Section 271 of the County Law;
2. That there shall be, and hereby is, levied and assessed the sum apportioned to each such lot or parcel of land within the boundaries of said Herkimer County Sewer District, at the time and in the manner provided by law for the levy of state, county and town taxes;
3. That certified copies of this Resolution be forwarded to the Herkimer County Treasurer and Herkimer County Sewer District.

Dated: November 16, 2022.

On motion of Mr. Shaw, seconded by Mr. Gaworecki, Report and Resolution No. 336 sponsored by the Committee on Ways & Means approving contract with Excellus Health Plan, Inc. for administrative services was handed up; voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Johnson, Stephens, Keeler, Manno (4).



## HERKIMER COUNTY LEGISLATURE

No. 336

### **REPORT AND RESOLUTION APPROVING CONTRACT WITH EXCELLUS HEALTH PLAN, INC. FOR ADMINISTRATIVE SERVICES**

**Sponsored by: Committee on Ways and Means**

WHEREAS, by letter dated October 19, 2022, from Steven R. Billings, Personnel Officer, this Legislature is advised of a request for an Administrative Services Contract with Excellus Health Plan, Inc. for group health care benefits for officers and employees of the County, to provide claims processing, administrative services, medical review and managed care services for the County's health insurance program; and

WHEREAS, said contract would be effective January 1, 2023 through December 31, 2025; and

WHEREAS, the administrative fees for the 2023 Classic Blue Plan is \$49.71 per employee per month and \$53.09 per employee per month for the Blue Preferred PPO and Health Choices Plans, with the Medicare Supplement Plan for retirees to carry an administrative fee of \$39.75 per month; and

WHEREAS, the administrative fees for 2024 would increase by 2%; the administrative fees for 2025 would increase by 2.5%; and

WHEREAS, the contract will also extend the Rx Clinical Concierge Program for 2023 at \$3.62 per contract per month and give authority to extend the program for 2024 and 2025; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an Administrative Services Contract with Excellus Health Plan, Inc., 12 Rhoads Drive, Utica, New York 13502, for group health care benefits for officers and employees of the county in the amounts as listed above, to be effective January 1, 2023 through December 31, 2025; and, be it further

RESOLVED, that the terms and conditions of said contracts be subject to the approval of the County Attorney; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Personnel Officer and Excellus Health Plan, Inc.

Dated: November 16, 2022.

On motion of Mr. Weakley, seconded by Mr. Swartz, Report and Resolution No. 337 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means approving the utilization of grant funding to purchase equipment for an upgrade to the County's Land Mobile Radio System and transfer funds was handed up; voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Johnson, Stephens, Keeler, Manno (4).



## HERKIMER COUNTY LEGISLATURE

No. 337

### **REPORT AND RESOLUTION APPROVING THE UTILIZATION OF GRANT FUNDING TO PURCHASE EQUIPMENT FOR AN UPGRADE TO THE COUNTY'S LAND MOBILE RADIO SYSTEM AND TRANSFER FUNDS**

**Sponsored by: Committee on Public Safety/Emergency Management  
Committee on Ways and Means**

WHEREAS, by letter dated October 24, 2022, from John J. Raymond, Director of Emergency Services, this Legislature is advised of a request to purchase Land Mobile Radio equipment through NYS Office of General Services contracts, by utilizing State Interoperable Communications Grant (SICG FY-19) funding; and

WHEREAS, letter further advises this upgrade will add an additional fire and EMS channel along with two additional law enforcement channels; and

WHEREAS, it is the recommendation of the Director of Emergency Services that this purchase would be made through JPJ Electronics for a total project cost of \$274,244.48; and

WHEREAS, by letter dated October 27, 2022, from Sheri Ferdula, Budget Officer/Purchasing Agent, has requested a transfer to complete the above purchase; now, therefore, be it

RESOLVED, that this Legislature approves the request to purchase equipment for upgrades to the County's Land Mobile Radio System through JPJ Electronics at a cost of \$274,244.48, by utilizing State Interoperable Communications Grant (SICG FY-19) funding; and, be it further

RESOLVED, that the Treasurer be authorized to make the following transfer to complete the purchase:

\$104,348

From: H3021.44000, Public Safety, Contracted Services Proj 19-5  
To: H3021.25000, Public Safety, Other Equip, Proj 19-5

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Emergency Services, and JPJ Electronics.

Dated: November 16, 2022.

On motion of Mr. Donley, seconded by Mr. Malta, Report and Resolution No. 338 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means approving the utilization of grant funding to upgrade the County's Land Mobile Radio System and transfer funds was handed up; voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Johnson, Stephens, Keeler, Manno (4).



## HERKIMER COUNTY LEGISLATURE

No. 338

### **REPORT AND RESOLUTION APPROVING THE UTILIZATION OF GRANT FUNDING TO UPGRADE THE COUNTY'S LAND MOBILE RADIO SYSTEM AND TRANSFER FUNDS**

**Sponsored by: Committee on Public Safety/Emergency Management  
Committee on Ways and Means**

WHEREAS, by letter dated October 20, 2022, from John J. Raymond, Director of Emergency Services, this Legislature is advised of a request to purchase and install multiple upgrades to the County's Land Mobile Radio System, by utilizing State Interoperable Communications Grant (SICG FY20) funding; and

WHEREAS, letter further advises this upgrade will add an additional fire and EMS channel along with two additional law enforcement channels, with the upgrade to include equipment for the new Honey Hill tower site in the Town of Newport; and

WHEREAS, it is the recommendation of the Director of Emergency Services that this purchase would be made through JPJ Electronics for a total project cost of \$366,044.88; and

WHEREAS, by letter dated October 27, 2022, from Sheri Ferdula, Budget Officer/Purchasing Agent, has requested a transfer to complete the above purchase; now, therefore, be it

RESOLVED, that this Legislature approves the request to purchase and install upgrades to the County's Land Mobile Radio System through JPJ Electronics at a cost of \$366,044.88, by utilizing State Interoperable Communications Grant (SICG FY20) funding; and, be it further

RESOLVED, that the Treasurer be authorized to make the following transfer to complete the purchase:

\$195,000                      From: H3021.44000, Public Safety, Contracted Services Proj 19-6  
   To:     H3021.25000, Public Safety, Other Equip, Proj 19-6

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Emergency Services, and JPJ Electronics.

Dated: November 16, 2022.

On motion of Mr. Ackerman, seconded by Mr. Gaworecki, Report and Resolution No. 339 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means renewing contract in the Sheriff's Department was handed up; voted on and adopted by voice vote:

For: Ayes (13).                      Against: None.

Absent: Johnson, Stephens, Keeler, Manno (4).



## HERKIMER COUNTY LEGISLATURE

No. 339

### REPORT AND RESOLUTION RENEWING CONTRACT IN THE SHERIFF'S DEPARTMENT

**Sponsored by: Committee on Public Safety/Emergency Management  
Committee on Ways and Means**

WHEREAS, by letter dated October 20, 2022, Scott F. Scherer, Sheriff, has requested approval to renew a contract with Power DMS, a policy and compliance management platform that lets the Sheriff's Department create, edit, organize, and distribute policies and procedures, at a cost of \$4,919.21 for the period of December 5, 2022 through December 4, 2023; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a contract with Power DMS, 101 S. Garland Ave., Ste. 300, Orlando, FL 32801, at a cost of \$4,919.21 for the period of December 5, 2022 through December 4, 2023; and, be it further

RESOLVED, that the Chairman of this Legislature is further authorized to enter into annual renewals of said agreement, after the expiration of the current agreement, upon the same or more favorable terms and conditions; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Sheriff, and Power DMS.

Dated: November 16, 2022.

On motion of Mr. Gaworecki, seconded by Mr. Schrader, Report and Resolution No. 340 sponsored by the Committee on County Properties authorizing cancellation of outstanding tax liens on property in the Town of Herkimer was handed up; voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Johnson, Stephens, Keeler, Manno (4).



## HERKIMER COUNTY LEGISLATURE

No. 340

### REPORT AND RESOLUTION AUTHORIZING CANCELLATION OF OUTSTANDING TAX LIENS ON PROPERTY IN THE TOWN OF HERKIMER

#### Sponsored by: Committee on County Properties

WHEREAS, the premises as set forth below are the subject of In Rem proceedings brought by the County of Herkimer:

Property Address: 202 Zoller Avenue, Herkimer, New York  
Tax Map Number: 113.83-3-52  
Real Property Taxes owed for years 2015 to 2022  
Amount as of 11/16/2022: \$20,646.28

WHEREAS, by letter of Town of Herkimer Attorney, Christopher Bray, the Town of Herkimer has requested that the County cancel and forgive all outstanding tax liens on the above property; and

WHEREAS, the County has been advised that the private owner of the above premises intends to deed said premises over to the Town of Herkimer and that the Town of Herkimer will enter into an agreement with the County providing that upon proof of Town ownership of the premises, that the County will cancel outstanding tax liens; now, therefore, be it

RESOLVED, that the Chairman of the Legislature is authorized to enter into an agreement with the Town of Herkimer, that upon proof of recording of the deed for the above premises from the prior owner to the Town of Herkimer in the Office of the County Clerk, the County will cancel all outstanding tax liens on the premises owed at the time of recording; and, be it further

RESOLVED, that said agreement between the County and the Town of Herkimer will provide that in the event that the Town sells the property for an amount in excess of the general fund revenues expended by the Town to prepare the property for resale, the Town shall reimburse the County for the amount received by the Town in excess of the general funds (excluding grant funds) expended by the Town up to the amount of taxes forgiven by the County; and, be it further

RESOLVED, that in the event that the Town of Herkimer takes title to the premises and enters into an agreement with the County containing the above terms, this Legislature shall determine that there is no practical method to enforce the collection of tax liens on the parcel, and supplementary proceedings to enforce collection will not be effective, and the County will cancel the delinquent tax liens on the premises and the County Property Agent is directed at that time to issue and file a Certificate of Cancellation; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Auditor, County Property Agent, and the Town of Herkimer.

Dated: November 16, 2022.

On motion of Mr. Donley, seconded by Mr. Shaw, Report and Resolution No. 341 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means authorizing payment to Herkimer County Coroner was handed up; voted on and adopted by voice vote:

For: Ayes (13).                      Against: None.

Absent: Johnson, Stephens, Keeler, Manno (4).



## HERKIMER COUNTY LEGISLATURE

No. 341

### **REPORT AND RESOLUTION AUTHORIZING THE PAYMENT TO HERKIMER COUNTY CORONER**

**Sponsored by: Committee on Public Safety/Emergency Management  
Committee on Ways and Means**

WHEREAS, by letter dated October 26, 2022 from Sharon Ewanyk, County Auditor, this Legislature is advised of a request to pay Brian Roberts \$135.00 for a Drug Enforcement Administration's National Forensic Laboratory Information System Interview/Medical Examiner and Coroner Survey, participated on October 12, 2022; now, therefore, be it

RESOLVED, that payment of \$135.00 for participation in a Drug Enforcement Administration's National Forensic Laboratory Information System Interview/Medical Examiner and Coroner Survey on October 12, 2022 is hereby approved; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, and Budget Officer.

Dated: November 16, 2022.

On motion of Mr. Weakley, seconded by Mr. Ackerman, Report and Resolution No. 342 sponsored by the Committee on Public Safety & Emergency Management Committee on Ways & Means authorizing agreement with New York State Defenders Association, Inc. was handed up; voted on and adopted by voice vote:

For: Ayes (13).                      Against: None.

Absent: Johnson, Stephens, Keeler, Manno (4).



## HERKIMER COUNTY LEGISLATURE

No. 342

### REPORT AND RESOLUTION AUTHORIZING AGREEMENT WITH NEW YORK STATE DEFENDERS ASSOCIATION, INC.

**Sponsored by: Committee on Public Safety & Emergency Management  
Committee on Ways & Means**

WHEREAS, by letter dated October 28, 2022 from Lorraine H. Lewandrowski, Herkimer County Attorney, request is being made to enter into an agreement with the New York State Defenders Association, Inc., 194 Washington, Suite 500, Albany, New York 12210 [hereafter NYSDA]; and

WHEREAS, NYSDA will enable the Herkimer County Indigent Legal Services program to utilize E-Vouchering services, access to Legacy PDCMS, access training and annual support and to perform required tasks including tracking individual cases, generating reports and vouchers; and

WHEREAS, NYSDA will provide software, training, annual support, one time set up/configuration, at the following costs: monthly fee of \$35 for one user (\$420), a one time set up fee of \$2,880.00, annual support for \$500, one time set up/configuration for \$3,000, one day of training for \$750.00 for a total cost of \$7,550.00; and

WHEREAS, the NYSDA anticipates the first year of services to run from January 16, 2023 to January 15, 2024, unless NYSDA installation schedule allows for earlier installation; now, therefore, be it

RESOLVED, that the Chairman of the Herkimer County Legislature is authorized to sign a contract for one year, to begin on January 16, 2023 or as agreed upon by the parties for a total cost of \$7,500.00 as set forth above; and, be it further

RESOLVED, that the Chairman of this Legislature is further authorized to enter into annual renewals of said agreement, after the expiration of the current agreement, upon the same or more favorable terms and conditions; and, be it further

RESOLVED, that said Contract with NYSDA shall be upon the terms and conditions as approved by the Herkimer County Attorney; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Herkimer County Attorney, Executive Assistant for Indigent Legal Services and New York State Defenders Association.

Dated: November 16, 2022.

On motion of Mr. Malta, seconded by Mr. Donley, Report and Resolution No. 343 sponsored by the Committee on Public Safety & Emergency Management Committee on Ways & Means authorizing reimbursement of costs of attorney attendance for Continuing Legal Education was handed up; voted on and adopted by voice vote:

For: Ayes (13).                      Against: None.

Absent: Johnson, Stephens, Keeler, Manno (4).



## HERKIMER COUNTY LEGISLATURE

No. 343

### **REPORT AND RESOLUTION AUTHORIZING REIMBURSEMENT OF COSTS OF ATTORNEY ATTENDANCE FOR CONTINUING LEGAL EDUCATION**

**Sponsored by: Committee on Public Safety & Emergency Management  
Committee on Ways & Means**

WHEREAS, by letter dated November 1, 2022 from Lorraine H. Lewandrowski, Herkimer County Attorney, request is being made for reimbursement of costs of attorney attendance at Continuing Legal Education sessions; and

WHEREAS, to date one attorney has attended Continuing Legal Education at the New York State Bar Association Criminal Law session in Albany, New York on October 21 and 22, 2022; and

WHEREAS, it is anticipated that other attorneys who serve clients through the Herkimer County Indigent Legal Services program will attend Continuing Legal Education program in areas that will enhance representation of indigent clients; and

WHEREAS, New York State will reimburse Herkimer County for expenditures made to reimburse attorneys' cost to attend, hotel and expenses in accordance with Herkimer County Policies and Procedures, if any, to attend Continuing Legal Education; now, therefore, be it

RESOLVED, that the Herkimer County Auditor is authorized to reimburse expenses of the one attorney who previously attended, and going forward, for attorneys who service Herkimer County Indigent Legal Services, who have attended Continuing Legal Education; and, be it further

RESOLVED, that approvals of requests for attorney reimbursement will be subject to the requesting attorney submitting appropriate documentation in accordance with Herkimer County Policies and Procedures; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Herkimer County Attorney, and Executive Assistant for Indigent Legal Services

On motion of Mr. Russell, seconded by Mr. Campione, Report and Resolution No. 344 sponsored by the Committee on Ways & Means ratifying agreement between the County of Herkimer and Teamsters Local 294 was handed up; voted on and adopted by roll call vote:

For: Gaworecki, Schrader, Hollum, Brezinski, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (12).

Against: None.

Absent: Johnson, Stephens, Keeler, Manno (4).

Abstain: Malta (1).



## HERKIMER COUNTY LEGISLATURE

No. 344

### **REPORT AND RESOLUTION RATIFYING AGREEMENT BETWEEN THE COUNTY OF HERKIMER AND TEAMSTERS LOCAL 294**

#### **Sponsored by: Committee on Ways and Means**

WHEREAS, by letter dated November 2, 2022, from Stanley Koniszewski III, Teamsters Local 294 Field Representative, this Legislature is advised that on November 1, 2022, its members in the County Highway Department ratified a collective bargaining agreement with the County of Herkimer for the period of 3 years, from January 1, 2022 to December 31, 2024, which agreement is subject to approval by the Herkimer County Legislature; and

WHEREAS, the Herkimer County Legislature is satisfied that the ratification of this Agreement is in the best interest of both the County of Herkimer and its employees represented by Teamsters Local 294; now, therefore, be it

RESOLVED:

1. That the Herkimer County Legislature hereby ratifies and approves the collective bargaining agreement entered into with Teamsters Local 294 covering a term of 3 years, from January 1, 2022 to December 31, 2024;
2. That the Chairman of the Herkimer County Legislature be, and he hereby is, authorized to execute said agreement on behalf of the County of Herkimer;
3. That the Salary Schedule for the year 2022 be amended to reflect the changes in wages and salaries required by this agreement.
4. That certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Personnel Officer, Teamsters Local 294, and the County Highway Superintendent.

Dated: November 16, 2022.

On motion of Mr. Gaworecki, seconded by Mr. Ackerman, Report and Resolution No. 345 sponsored by the Committee on Education and the Committee on Ways & Means approving purchase for boiler replacement at Herkimer County Community College was handed up; voted on and adopted by voice vote:

For: Ayes (13).                      Against: None.

Absent: Johnson, Stephens, Keeler, Manno (4).



## HERKIMER COUNTY LEGISLATURE

No. 345

### **REPORT AND RESOLUTION APPROVING PURCHASE FOR BOILER REPLACEMENT AT HERKIMER COUNTY COMMUNITY COLLEGE**

**Sponsored by: Committee on Education  
Committee on Ways & Means**

WHEREAS, by letter dated October 28, 2022, Sheri Ferdula, Budget Officer/Purchasing Agent, has advised that they have received a quote from Fiberdyne Labs, Inc., for Cat6 and Power Cabling-Siemens Nodes for the boiler replacement project; and

WHEREAS, said letter further advises the cost will be \$22,622.00, with Fiberdyne providing (15) Cat6 drops, (16) 18-4 runs with cable and hardware, and (2) 14-2 runs with cable and hardware; now, therefore, be it

RESOLVED, that the above described purchase from Fiberdyne is approved in the amount of \$22,622.00; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, President of Herkimer County Community College, and Senior Vice President for Administration and Finance of Herkimer County Community College.

Dated: November 16, 2022.

On motion of Mr. Schrader, seconded by Mr. Hollum, Report and Resolution No. 346 sponsored by the Committee on County Properties approving sale of county owned tax acquired land was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Brezinski, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (13).

Against: None.

Absent: Johnson, Stephens, Keeler, Manno (4).



## HERKIMER COUNTY LEGISLATURE

No. 346

### REPORT AND RESOLUTION APPROVING SALE OF COUNTY OWNED TAX ACQUIRED LAND

#### Sponsored by: Committee on County Properties

WHEREAS, by Resolution No. 296 for the year 2022 duly adopted on October 5, 2022, this Legislature authorized and directed the sale at public auction, after due advertisement, of certain county owned tax acquired real property under the direction of the County Treasurer; and

WHEREAS, the Properties Committee of this Legislature reports that said sale was duly held pursuant to said direction on October 29, 2022 in Herkimer, New York; and

WHEREAS, pursuant to the terms of sale, the successful bidder on each parcel sold is required to pay the full purchase price together with recording fee and transfer tax by November 18, 2022; and

WHEREAS, the Properties Committee reports that 58 bids were received at the auction, and the total amount to be received on said sales is \$1,080,640.00 as shown on the lists made

available to each legislator and filed with the Clerk of the Legislature; and

WHEREAS, the Properties Committee recommends approval of each sale as set forth on said list, and conveyance of each said parcel to the successful bidder thereon providing payment in full of the amount bid and required fees are received by the County Treasurer's Office; and

WHEREAS, the auction terms provide that default by a purchaser for failure to meet the terms of the auction shall result in forfeiture of the required deposit; now, therefore, be it

RESOLVED, that this Legislature approves the sales by auction reported by the Properties Committee and authorizes the County Treasurer to convey each said property, except Tax Parcel No. 089.1-2-11 in the Town of Russia until a court has rendered a decision in reference to said parcel, to the successful bidder thereon, provided said bidder has paid the required purchase price and expenses to the County Treasurer, and to make conveyance by quit claim deed and to record each said deed; and, be it further

RESOLVED, that the County Property Agent is hereby instructed to advise the County Attorney's Office of defaults by purchasers, and the County Attorney's Office is hereby instructed to bring legal procedures if necessary to enforce said provision of the auction terms, reporting thereon to the Properties Committee of this Legislature, which shall have authority to confer with the County Attorney's Office as to any proposed settlement of said proceedings; and, be it further

RESOLVED, that the County Property Agent is hereby authorized to solicit sealed bids for the sale of any of the properties which were not conveyed based on the default of purchasers or for any other reason provided that said County Property Agent shall submit to the Committee on County Properties any and all bids, which bids shall be subject to the approval of the full Legislature; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Property Agent, Chairman of the Committee on County Properties, and the County Attorney.

Dated: November 16, 2022.

On motion of Mr. Shaw, seconded by Mr. Donley, Report and Resolution No. 347 sponsored by the Committee on Ways & Means adjusting wages for hourly employees was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Brezinski, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (13).

Against: None.

Absent: Johnson, Stephens, Keeler, Manno (4).



# HERKIMER COUNTY LEGISLATURE

No. 347

## REPORT AND RESOLUTION ADJUSTING WAGES FOR HOURLY EMPLOYEES

**Sponsored by: Committee on Ways and Means**

WHEREAS, by letter dated November 4, 2022, from James W. Wallace, Jr., County Administrator, this Legislature is advised that adjustments must be made to the salaries for the year 2023 for certain employees of the County in various departments who are paid on an hourly basis; now, therefore, be it

RESOLVED, that the wages of all employees of the County of Herkimer paid pursuant to the hourly scale for graded employees be and hereby are, established for the year 2023 as follows:

<u>Grade</u>	<u>Hourly Wage 2023</u>
1	12.50
2	14.20
3	14.45
4	14.75
5	15.00

and, be it further

RESOLVED, that the following rates are hereby established for the following positions for the year 2023:

<u>Title</u>	<u>2023 Rate</u>
Part-time Motor Vehicle Clerk	\$14.89/hr.
**Part-time Building Maintenance Worker (Jail)	\$14.20/hr.
Part-time Public Safety Telecommunicator (E-911)	\$17.31/hr.
Part-time Account Clerk (A4010)	\$14.87/hr.
Part-time Clerk (A3110)	\$15.02/hr.
Polling Site Coordinator (Board of Elections)	\$15.00/hr.
Voting Machine Technician (Board of Elections)	\$25.00/hr.
Supervising Community Health Nurse	\$30.88/hr.

<u>Title</u>	<u>2023 Rate</u>
Part-time Registered Professional Nurses	\$26.92/hr.
Part-time Recording Clerk (19 ½ hours/week)	\$15.54/hr.
Hearing Officer	\$15.76/hr.
Nurse Practitioner	\$53.04/hr.
Part-time Psychiatric Social Worker	\$37.86/hr.
Psychiatric Nurse Practitioner	\$73.17/hr.
Computer Operator (A1680)	\$14.70/hr.
LPN COVID testing	\$26.92/hr.
COVID Vaccinator	\$26.92/hr.
Account Clerk (Treasurer's Office)	\$16.74/hr.
Poll Inspector	\$225.00/day
Part-time Poll Inspector	\$125.00/day
Part-time Clerk (BOE)	\$15.45/hr.
Part-time CPS Senior Caseworker	\$26.78/hr.
Part-time CPS Caseworker	\$25.69/hr.
Computer Programmer	\$34.29/hr.

\*\*Changed due to minimum wage

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Personnel Officer, and all other department heads.

Dated: November 16, 2022.

On motion of Mr. Campione, seconded by Mr. Ackerman, Report and Resolution No. 348 sponsored by the Committee on Ways & Means relating to cancelled taxes and rejected taxes was handed up; voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Johnson, Stephens, Keeler, Manno (4).



## HERKIMER COUNTY LEGISLATURE

No. 348

### REPORT AND RESOLUTION RELATING TO CANCELLED TAXES AND REJECTED TAXES

Sponsored by: Committee on Ways and Means

WHEREAS, your Committee on Ways and Means, to which was referred the reports of the County Treasurer, with account attached thereto, showing the amounts of cancelled taxes and rejected taxes as of November 4, 2022 which should be charged back to the respective towns, municipalities and districts set forth on said account, does respectfully report that we have examined the same, inquired into the subject matter thereof, and offer the following Resolution:

RESOLVED, that the following amounts be charged to the respective towns, municipalities and districts as set forth on said account and that the portion of said cancelled taxes and rejected taxes be included in the various towns' tax levies for the coming year as follows:

<u>TOWN</u>	<u>CANCELLED TAXES</u>	<u>REJECTED TAXES</u>	<u>TOTAL</u>	<u>TOWN PORTION FOR LEVY</u>
<b>City of Little Falls</b>	907.99		907.99	0.00
<b>Frankfort – Village</b>	2.73		2.73	2.60
<b>Totals</b>	910.72		910.72	2.60

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Property Agent, and Director of Real Property Tax Services.

Dated: November 16, 2022.

On motion of Mr. Gaworecki, seconded by Mr. Russell, Report and Resolution No. 349 sponsored by the Committee on County Properties and the Committee on Ways & Means approving modified agreements between Herkimer County and Herkimer County Community College with Herkimer Solar, LLC for the purchase of Solar Energy Credits was handed up; voted on and adopted by voice vote:

For: Ayes (13).                      Against: None.

Absent: Johnson, Stephens, Keeler, Manno (4).



**HERKIMER COUNTY LEGISLATURE**

No. 349

**REPORT AND RESOLUTION APPROVING MODIFIED AGREEMENTS BETWEEN HERKIMER COUNTY AND HERKIMER COUNTY COMMUNITY COLLEGE WITH HERKIMER SOLAR, LLC FOR THE PURCHASE OF SOLAR ENERGY CREDITS**

**Sponsored by: Committee on County Properties  
Committee on Ways & Means**

WHEREAS, Resolution No. 237 of 2020 authorized Herkimer County and Herkimer County Community College to purchase solar energy credits through Herkimer Solar, LLC, 5 Oxford Road, New Hartford, New York 13413; and

WHEREAS, Herkimer County and Herkimer County Community College entered into a VDER Value Stack Credit Sales Agreement [hereinafter "Agreement"] with Herkimer Solar, LLC at a discount rate of 16% and a base payment of 5 cents per kWh for a twenty year term, with annual escalation rate of 1.25%; and

WHEREAS, the parties now desire to amend said Agreement of October 1, 2020 to provide for a 16% fixed discount rate for the initial term, and further that the Estimated Commercial Operations Date shall be amended to December 31, 2023; and

WHEREAS, pursuant to the terms of the First Modification agreement, all other terms, provisions, covenants, and conditions of the October 1, 2020 Agreement shall remain in full force and effect unmodified; and

WHEREAS, Herkimer Solar, LLC has provided a proposed First Modification Agreement to Herkimer County and Herkimer County Community College setting forth the above modifications; and

WHEREAS, on November 14, 2022, the Herkimer County College Board of Trustees approved Resolution No. 19-27B, authorizing the College to enter into the First Modification Agreement on the above terms; and

WHEREAS, Nicholas F. Laino, Senior Vice President for Administration and Finance of the College has requested that the Herkimer County Legislature approve the Board of Trustees Resolution No. 19-27B and the Execution of the First Modification Agreement; now, therefore, be it

RESOLVED, that Resolution No. 19-27B adopted on November 14, 2022, by the College Board of Trustees is hereby approved to authorize the College to enter into the First Modification Agreement on the terms set forth above; and, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature be authorized to execute the First Modification to the VEDR Value Stack Credit Sales Agreement of October 1, 2020 with Herkimer Solar, LLC to delete Article I Commercial Terms of the Agreement, replacing said Article with the following:

**Discount Rate:** 16% fixed for the Initial Term  
**Reference rate:** VDER Value Stack Credit Value  
**Maximum Purchase Obligation:** 100%  
**Estimated Commercial Operations Date:** December 31, 2023  
**Utility:** National Grid

and, be it further

RESOLVED, that pursuant to the terms of the First Modification Agreement, all other terms, provisions, covenants and conditions of the October 1, 2020 VDER Stack Credit Sales Agreement shall

remain in full force and effect unmodified; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, President of the Herkimer County Community College, Senior Vice President for Administration and Finance of Herkimer County Community College, and Herkimer Solar, LLC.

Dated: November 16, 2022.

On motion of Mr. Russell, seconded by Mr. Shaw, Resolution No. 350 sponsored by the Committee on Ways & Means adopting salary schedules for the year 2023 was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Brezinski, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (13).

Against: None.

Absent: Johnson, Stephens, Keeler, Manno (4).



## HERKIMER COUNTY LEGISLATURE

No. 350

### RESOLUTION ADOPTING SALARY SCHEDULES FOR THE YEAR 2023

#### Sponsored by: Committee on Ways and Means

Your Committee on Ways and Means respectfully reports the following Salary Schedule for the year 2023:

We recommend that the County officers and employees be paid equal bi-weekly installments on Thursday, or as near thereto as holidays and other conditions permit, pursuant to the Rules and Regulations of the Herkimer County Legislature and the Herkimer County Personnel Civil Service Rules. These salary schedules reflect salaries for personnel as follows:

Salary Schedule No. 1 -	2023 Legislators and Department Heads
Salary Schedule No. 2 -	2023 Officers & Non-Union
Salary Schedule No. 3 -	2023 CSEA
Salary Schedule No. 4 -	2023 Highway
Salary Schedule No. 5 -	2023 Deputy Sheriffs

now, therefore, be it

RESOLVED, that the recommendations of the Committee on Ways and Means as set

forth above be, and they hereby are adopted; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, and Personnel Officer.

Dated: November 16, 2022.

On motion of Mr. Russell, seconded by Mr. Gaworecki, Resolution No. 351 sponsored by the Committee on Ways & Means adopting Introductory Local Law B for 2022 was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Brezinski, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (13).

Against: None.

Absent: Johnson, Stephens, Keeler, Manno (4).



## HERKIMER COUNTY LEGISLATURE

No. 351

### RESOLUTION ADOPTING INTRODUCTORY LOCAL LAW B FOR 2022

#### Sponsored by: Committee on Ways & Means

WHEREAS, your Committee on Ways and Means of the Herkimer County Legislature desires to report that on the 16<sup>th</sup> day of November, 2022 pursuant to Resolution No. 298, they held a public hearing on the adoption of Introductory Local Law B for 2022 entitled, "A LOCAL LAW INCREASING THE SALARIES OF SOME ELECTED COUNTY OFFICERS AND COUNTY OFFICERS APPOINTED FOR A FIXED TERM DURING THEIR TERM OF OFFICE" and that there were (no) appearances and (no) objections at the said public hearing; that your Committee advises the adoption and enactment of the said Introductory Local Law and offers the following Resolution:

RESOLVED, that Introductory Local Law B for 2022 be adopted in form attached hereto.

Dated: November 16, 2022.

#### INTRODUCTORY LOCAL LAW B - 2022

#### LOCAL LAW NO. 1 - 2023

**A LOCAL LAW INCREASING THE SALARIES OF SOME ELECTED COUNTY OFFICERS AND COUNTY OFFICERS APPOINTED FOR A FIXED TERM DURING THEIR TERM OF OFFICE**

BE IT ENACTED by the Herkimer County Legislature of the County of Herkimer as follows:

Section 1. The base annual salary of the County Administrator shall be the sum of One Hundred Eleven Thousand Five Hundred Seventy One Dollars (\$111,571).

Section 2. The base annual salary of the County Clerk shall be the sum of Seventy One Thousand One Hundred Seventy One Dollars (\$71,171).

Section 3. The base annual salary of the County Treasurer shall be the sum of Sixty Five Thousand Nine Hundred Thirty One Dollars (\$65,931).

Section 4. The base annual salary of the Sheriff shall be the sum of Seventy Nine Thousand Twenty Seven Dollars (\$79,027).

Section 5. The base annual salary of the Director of Real Property Tax Services shall be the sum of Sixty Two Thousand Two Hundred Ninety Seven Dollars (\$62,297).

Section 6. The base annual salary of the County Highway Superintendent shall be the sum of One Hundred Four Thousand Four Hundred Forty One Dollars (\$104,441).

Section 7. The base annual salary of the County Auditor shall be the sum of Sixty One Thousand Three Hundred Forty One Dollars (\$61,341).

Section 8. The base annual salary of the Clerk of the Legislature shall be the sum of Sixty Four Thousand Nine Hundred Sixty Eight Dollars (\$64,968).

Section 9. The base annual salary of the County Attorney shall be the sum of One Hundred Fifty Six Thousand Eight Hundred Sixty Eight Dollars (\$156,868).

Section 10. The base annual salary of the Budget Officer shall be Seventy Two Thousand Eight Hundred Ninety Six Dollars (\$72,896).

Section 11. The base annual salary of the Director of Public Health shall be the sum of Seventy Eight Thousand Nine Hundred Forty Three Dollars (\$78,943).

Section 12. The base annual salary of the Commissioner of Social Services shall be the sum of Ninety Nine Thousand Seven Hundred Eight Dollars (\$99,708).

Section 13. The base annual salary of the Personnel Officer shall be the sum of Eighty Five Thousand Four Hundred Sixty One Dollars (\$85,461).

Section 14. The salary of the county coroners shall be One Hundred Thirty-Nine Dollars (\$139) per call.

Section 15. This Local Law shall take effect forty-five days after its adoption and shall be subject to a permissive referendum.

Dated: November 16, 2022.

On motion of Mr. Hollum, seconded by Mr. Weakley, Resolution No. 352 sponsored by the Committee on Administration/Veterans' Affairs opposing New York States 94-C "Accelerated Renewable Energy Growth and Community Benefits Act" was handed up; voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Johnson, Stephens, Keeler, Manno (4).



## HERKIMER COUNTY LEGISLATURE

No. 352

### **RESOLUTION OPPOSING NEW YORK STATES 94-C "ACCELERATED RENEWABLE ENERGY GROWTH AND COMMUNITY BENEFITS ACT"**

**Sponsored by: Committee on Administration/Veterans' Affairs**

WHEREAS, Herkimer County has been at the forefront of renewable energy projects over the past 20+ years; and

WHEREAS, Herkimer County has worked closely with local municipalities and citizens over the years to help bring forward thoughtful and well-planned renewable energy projects that are in sync with local land use regulations; and

WHEREAS, New York State passed the "Accelerated Renewable Energy Growth and Community Benefits Act" on April 3rd, 2020, during the height of the COVID-19 Pandemic as part of the budget process without proper debate and public attention; and

WHEREAS, the Act, amongst other things, establishes a new Office of Renewable Energy Siting (ORES) and called for the creation of siting regulations referred to as the 94-C siting process; and

WHEREAS, specific provisions and vague language of the 94-C siting process have opened the door for ORES to pay little attention to local laws and public input which undermines home rule, which has long been the standard in New York State; and

WHEREAS, these regulations do not place a high value on the protection of prime agricultural soils which provide the basis of much of the upstate agricultural economy and landscape; and

WHEREAS, little change was made to the 94-C regulations after the public comment period though detailed comments were provided by the NYS Association of Counties, New York State Conference of Mayors, Association of Towns, and others; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby opposes the authority given to ORES under the 94-C citing process and calls for the State to undertake a proper approval process that takes into account home rule, the impact on our rural upstate landscape, and the wishes of the public in affected communities; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Governor Kathy Hochul, Senator James N. Tedisco, Senator Peter Oberacker, Assemblyman Brian Miller, Assemblyman Robert Smullen, Assemblywoman Marianne Buttenschon, Assemblyman Mark Walczyk, and the New York State Association of Counties.

Dated: November 16, 2022.

On motion of Mr. Russell, seconded by Mr. Campione, Report and Resolution No. 353 sponsored by the Committee on Ways & Means amending Resolution No. 80 of 2009 relating to the rules and regulations governing the Herkimer County employees Health Insurance plan was handed up; voted on and adopted by voice vote:

For: Ayes (13).                      Against: None.

Absent: Johnson, Stephens, Keeler, Manno (4).



## HERKIMER COUNTY LEGISLATURE

No. 353

### **RESOLUTION AMENDING RESOLUTION NO. 80 OF 2009 RELATING TO THE RULES AND REGULATIONS GOVERNING THE HERKIMER COUNTY EMPLOYEES HEALTH INSURANCE PLAN**

**Sponsored by: Committee on Ways and Means**

WHEREAS, the County of Herkimer currently maintains a health insurance program for the benefit of various county employees and retirees; and

WHEREAS, the rules governing the operation of the health insurance program for the benefit of the employees and retirees of the County of Herkimer has been amended, from time to time, since its enactment in 1959 as provided under Resolutions No. 62 and 189 of 1959, Resolution No. 169 of 1960, Resolution No. 27 of 1961, Resolutions No. 263 and 264 of 1975 and Resolution No. 97 of 1977; and

WHEREAS, Resolution No. 80 of 2009 amended the rules governing the operation of the health insurance program provided by the County of Herkimer to employees and retirees, which was amended by Resolution No. 154 of 2022; and

WHEREAS, your Committee recommends Resolution No. 80 of 2009 be amended to read as follows:

RESOLVED, that effective April 1, 2009, all eligible officers and employees of the County of Herkimer covered under Salary Schedule I and Salary Schedule II, with the exception of Legislators, who are hired or re-hired after a break in service, on or after April 1, 2009, shall be entitled to health insurance benefits under the following conditions:

1) Health Insurance Benefits during Employment: All such officers or employees shall receive health insurance at no cost;

2) Health Insurance Coverage upon Retirement: Upon retirement, an eligible employee or officer covered under Salary Schedule I or Schedule II shall be entitled to continue health insurance coverage through the county health insurance plan at no cost, provided that, at the time of the employee's or officer's retirement, the employee or officer meets the following qualifications: (a) the employee or officer must have been employed by the County of Herkimer for at least fifteen consecutive years and have attained the age of 62 years or (b) the employee or officer must have been employed by the County of Herkimer for at least thirty consecutive years and have attained the age of 55 years; (c) the officer or employee must be enrolled in the county health insurance program at the time of retirement; (d) the officer or employee must be in good standing at the time of his or her retirement; and, it is further

RESOLVED, that all eligible officers and employees of the County of Herkimer hired on or before March 31, 2009 shall be entitled to receive health insurance benefits during his or her period of employment and, upon retirement, pursuant to the rules currently in existence as set forth in prior resolutions as follows: No. 62 and 189 of 1959, No. 169 of 1960; No. 27 of 1961, No. 263 and 264 of 1975 and No. 97 of 1977; and, it is further

RESOLVED, that effective January 1, 2023, Resolution No. 80 of 2009 is hereby amended to make the above changes for all eligible officers and employees of the County of Herkimer covered under Salary Schedule I and Salary Schedule II; and, be it further

RESOLVED, that in all other respects, Resolution No. 80 of 2009 shall remain in full force and effect and that any monies paid for health insurance by Salary Schedule I and Salary Schedule II employees from 2009 to present shall not be refunded; and, be it further

RESOLVED, this resolution shall not be applicable to current retirees that are paying for health insurance under Resolution No. 80 of 2009; and

RESOLVED, that a certified copy of this resolution shall be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, and Personnel Officer, and all department heads.

Dated: November 16, 2022.

On motion of Mr. Schrader, seconded by Mr. Hollum, Report and Resolution No. 354 sponsored by the Committee on County Properties and the Committee on Ways & Means approving proposal, creating project, and appropriating funds for remodel of the first floor of the Court Street building was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Brezinski, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (13).

Against: None.

Absent: Johnson, Stephens, Keeler, Manno (4).



## HERKIMER COUNTY LEGISLATURE

No. 354

### **REPORT AND RESOLUTION APPROVING PROPOSAL, CREATING PROJECT, AND APPROPRIATING FUNDS FOR REMODEL OF THE FIRST FLOOR OF THE COURT STREET BUILDING**

**Sponsored by: Committee on County Properties  
Committee on Ways and Means**

WHEREAS, by letter dated November 10, 2022, Sheri Ferdula, Budget Officer/  
Purchasing Agent, has advised that proposals have been received for architectural/engineering  
services for the remodel of the first floor of the Court Street building; and

WHEREAS, the proposal to be accepted is from Alesia & Crewell Architects, 4 Oxford  
Crossing, Suite 104, New Hartford, NY 13413, in the amount of \$27,000, including schematic  
design, design development, construction documents, bidding, and construction administration;  
and

WHEREAS, this letter further advises that an appropriation of funds and the creation of a  
new project will be necessary; now, therefore, be it

RESOLVED, that the above described proposal is accepted, and that the creation of a  
project and an appropriation be made as follows:

\$27,000	From: A889N, Reserve/County Building Improvements
	To: H1620.40000, Buildings, Project 16-4

and, be it further

RESOLVED, that the Treasurer is authorized to make any necessary adjustments to the  
interfund transfer accounts; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer  
County Treasurer, Auditor, Budget Officer, and Alesia & Crewell Architects.

Dated: November 16, 2022.

On motion of Mr. Gaworecki, seconded by Mr. Shaw, Report and Resolution No. 355  
sponsored by the Committee on County Properties, the Committee on Human Resources, and the

Committee on Ways & Means approving proposal, creating project, and transferring funds for options for the Children's Center was handed up; voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Johnson, Stephens, Keeler, Manno (4).



## HERKIMER COUNTY LEGISLATURE

No. 355

### REPORT AND RESOLUTION APPROVING PROPOSAL, CREATING PROJECT, AND TRANSFERRING FUNDS FOR OPTIONS FOR THE CHILDREN'S CENTER

**Sponsored by: Committee on County Properties  
Committee on Human Resources  
Committee on Ways and Means**

WHEREAS, by letter dated November 9, 2022, Sheri Ferdula, Budget Officer/Purchasing Agent, has advised that proposals have been received for architectural/engineering services for conceptual drawings and construction estimates for the ARC and Duofold locations for the future children's center; and

WHEREAS, it is the recommendation of your Committees that the proposals for the ARC and Duofold locations in the amount of \$8,800 be awarded to Bonacci Architects, 110 Fulton Street, Utica, NY 13501, to include developing concept floor plan, annotated photos, scope of work notes, general notes to identify build, preliminary analysis and code review, preliminary construction cost estimate, with reimbursable expenses separate; and

WHEREAS, this letter further advises that a transfer of funds and the creation of a new project will be necessary; now, therefore, be it

RESOLVED, that the above described proposal is accepted, and that the creation of a project and a transfer be made as follows:

\$8,800	From: A1989A.46000, ARPA, Miscellaneous Expense
	To: H1620.40000, Buildings, Project 31-1

and, be it further

RESOLVED, that the Treasurer is authorized to make any necessary adjustments to the interfund transfer accounts; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Public Health, Commissioner of Social Services, and Bonacci Architects.

Dated: November 16, 2022.

Chairman Bono gave an explanation to the students in attendance that Committees meet prior to the Legislature meeting to approve all that was on the agenda.

Chairman Bono stated that pursuant to Rule 6(12) they would proceed with comments by Legislators. The following Legislators made a comment: Legislator Russell and Chairman Bono.

At 7:30 p.m. on motion of Mr. Hollum, seconded by Mr. Malta, the Legislature adjourned to Wednesday, December 14, 2022 at 7:00 p.m., with a Public Hearing on the 2023 Budget at 6:15 p.m., and a Public Hearing on Introductory Local Law C at 6:20 p.m.

Brittney R. Viscomi, Clerk